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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,703	07/13/2001	Yoshiyuki Hirai	35.C15573	1348
5514	7590	06/30/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2622	
DATE MAILED: 06/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/903,703	HIRAI ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joseph R. Pokrywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 04 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 3/4/05, and has been entered and made of record. Currently, **claims 1-24** are pending.

### *Response to Arguments*

2. Applicant's arguments, see pages 14-18, filed 3/4/05, with respect to the rejection(s) of claim(s) 1-4, 7-12, and 17-22 under 35 U.S.C.102(b), as being anticipated by Yamamoto *et al.* (U.S. Patent Number 5,392,132), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mori *et al.* (U.S. Patent Number 5,418,630).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-10, 12-21, 23, and 24** are rejected under 35 U.S.C. 102(b) as being anticipated by Mori *et al.* (U.S. Patent Number 5,418,630).

Regarding **claim 1**, Mori discloses a communication system having an image input apparatus (image reader 3, seen in Figs. 1 and 3) and an image formation apparatus for

communicating with the image input apparatus (main unit 2, seen in Figs. 1 and 2), the system comprising a wireless communication device which communicates between the image formation apparatus and the image input apparatus via a wireless line (see Fig. 5, column 2, lines 1-26, and column 9, line 50-column 10, line 42), and having a plurality of communication modes (see Tables 1 and 2, in columns 8 and 9), a detection device which detects a predetermined operation by a user for instructing the image formation apparatus to perform a predetermined process on an image input by the image input apparatus (via operation section 25 or 40, column 8, line 8-column 10, line 42), and a control device which changes modes of the wireless communication device in accordance with a detection result by the detection device (see Figs 6-11, column 10, line 43-column 13, line 29), and for controlling transmission of the image input by the image input apparatus in the changed mode to the image formation apparatus (column 10, line 43-column 11, line 49, and column 12, lines 3-22).

Regarding *claim 2*, Mori discloses the system discussed above in claim 1, and further teaches of a selecting device which selects printing of the image input by the image input apparatus (operation sections 25 or 40, column 8, line 8-column 10, line 42), a command sending device which sends a command to request start of transmission of print data from the image input apparatus to the image formation apparatus, after the mode of the wireless communication device is changed by the control device, if printing is selected (see Table 2, column 9, line 50-column 10, line 68, and column 12, lines 3-42), and a start device which starts to transmit an image stored in a memory of the image input apparatus to the image formation apparatus, in response to the command of the image formation apparatus (column 11, line 1-column 13, line 45).

Regarding *claim 3*, Mori discloses the system discussed above in claim 1, and further teaches of a selecting device which selects transmission of the image input by the image input apparatus to a communication line connected to the image formation apparatus (operation sections 25 or 40, column 8, line 8-column 10, line 42), a command sending device which sends a command to request start of transmission data from the image input apparatus to the image formation apparatus after the mode of the wireless communication device is changed by the control device, if transmission to the communication line is selected (see Table 2, column 9, line 50-column 10, line 68, and column 12, lines 3-42), and a start device to transmit the image stored in a memory of the image input apparatus to the image formation apparatus in response to the command of the image formation apparatus (column 11, line 1-column 13, line 45).

Regarding *claim 4*, Mori discloses the system discussed above in claim 1, and further teaches that the wireless communication device is operable to establish a wireless link through an initial connection procedure (column 2, lines 14-26, and column 13, line 60-column 14, line 5), and, in accordance with a predetermined condition, to change the mode to a low power consumption connection mode in which an initial connection procedure is not necessary (column 14, line 6-column 15, line 6).

Regarding *claim 5*, Mori discloses the system discussed above in claim 4, and further teaches that if a given time passes after making the transition to the low power consumption connection mode, the wireless communication device is operable to eliminate the low power consumption connection mode (column 14, line 6-column 15, line 6).

Regarding *claim 6*, Mori discloses the system discussed above in claim 1, and further teaches that the image input apparatus is a portable scanner that can be detached from and attached to the image formation apparatus (column 13, lines 19-45).

Regarding *claim 7*, Mori discloses the system discussed above in claim 1, and further teaches that the control device is operable to change the mode in accordance with the predetermined operation and the mode of the wireless communicating device (see Table 2, column 9, line 50-column 10, line 68, and column 12, lines 3-42).

Regarding *claim 8*, Mori discloses the system discussed above in claim 1, and further teaches of the predetermined operation is an operation for outputting the image input by the image input apparatus by the image communication apparatus (see Table 2, column 9, line 50-column 10, line 68, and column 12, lines 3-42).

Regarding *claim 9*, Mori discloses the system discussed above in claim 8, and further teaches that the output includes at least one of print output and output to the communication line connected to the image formation apparatus (see Table 2, and column 9, line 50-column 10, line 68).

Regarding *claim 10*, Mori discloses the system discussed above in claim 1, and further teaches that the control device is operable to change modes so that at least power consumption of the wireless communicating device is changed (see Table 2, column 9, line 50-column 10, line 68, and column 12, line 3-column 14, line 5, wherein power consumption is inherently changed in the various modes).

Regarding *claim 12*, Mori discloses a method of controlling a communication system having an image input apparatus (image reader 3, seen in Figs. 1 and 3) and an image formation

apparatus (main unit 2, seen in Figs. 1 and 2) for communication with the image input apparatus, the image formation apparatus wirelessly communicates with the image input apparatus by a wireless method (column 2, lines 1-26) having a plurality of communication modes (see Tables 1 and 2, in columns 8 and 9), the method comprising the steps of detecting a predetermined operation by a user for instructing the image formation apparatus to perform a predetermined process on an image input by the image input apparatus (via operation section 25 or 40, column 8, line 8-column 10, line 42), changing the mode of the wireless method in accordance with a detection of the predetermined operation (see Figs 6-11, column 10, line 43-column 13, line 29) and controlling transmission of the image input by the image input apparatus in the changed mode to the image formation apparatus (column 10, line 43-column 11, line 49, and column 12, lines 3-22).

Regarding *claim 13*, Mori discloses an image input apparatus (image reader 3, seen in Figs. 1 and 3) comprising a wireless communication device which communicates with an image formation apparatus (main unit 2, seen in Figs. 1 and 2) via a wireless line (see Fig. 5, column 2, lines 1-26, and column 9, line 50-column 10, line 42), a detection device which detects a predetermined operation by a user for instructing the image formation apparatus to perform a predetermined process on an image input by the image input apparatus (via operation section 40, column 8, line 28-column 10, line 42), and a changing device which changes a mode of the wireless communication device in accordance with the detection by the detection device (see Figs 6-11, column 10, line 43-column 13, line 29), and a transmission device which performs a transmission process for transmitting the image input by the image input apparatus in the

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changed mode to the image formation apparatus (column 10, line 43-column 11, line 49, and column 12, lines 3-22).

Regarding *claim 14*, Mori discloses the apparatus discussed above in claim 13, and further teaches of a selecting device which selects printing of the image input by the image input apparatus (operation section 40, column 8, line 39-column 10, line 42), a sending device which sends a command to request start of transmission of print data from the image input apparatus to the image formation apparatus, after the mode of the wireless communication device is changed by the control device, if printing is selected (see Table 2, column 9, line 50-column 10, line 68, and column 12, lines 3-42).

Regarding *claim 15*, Mori discloses the apparatus discussed above in claim 13, and further teaches of a selecting device which selects transmission of the image input by the image input apparatus to a communication line connected to the image formation apparatus (operation section 40, column 8, line 39-column 10, line 42), a sending device which sends a command to request start of transmission data from the image input apparatus to the image formation apparatus after the mode of the wireless communication device is changed by the control device, if transmission to the communication line is selected (see Table 2, column 9, line 50-column 10, line 68, and column 12, lines 3-42).

Regarding *claim 16*, Mori discloses the apparatus discussed above in claim 13, and further teaches that the wireless communication device is operable to establish a wireless link through an initial connection procedure (column 2, lines 14-26, and column 13, line 60-column 14, line 5), and, in accordance with a predetermined condition, to change the mode to a low

power consumption connection mode in which an initial connection procedure is not necessary (column 14, line 6-column 15, line 6).

Regarding **claim 17**, Mori discloses the apparatus discussed above in claim 16, and further teaches that if a given time passes after making the transition to the low power consumption connection mode, the wireless communication device is operable to eliminate the low power consumption connection mode (column 14, line 6-column 15, line 6).

Regarding **claim 18**, Mori discloses the apparatus discussed above in claim 13, and further teaches that the changing device is operable to change the mode in accordance with the predetermined operation and the mode of the wireless communicating device (see Table 2, column 9, line 50-column 10, line 68, and column 12, lines 3-42).

Regarding **claim 19**, Mori discloses the apparatus discussed above in claim 13, and further teaches that the predetermined operation is an operation for outputting the image input by the image input apparatus by the image formation apparatus (see Table 2, column 9, line 50-column 10, line 68, and column 12, lines 3-42).

Regarding **claim 20**, Mori discloses the apparatus discussed above in claim 19, and further teaches that the output includes at least one of print output and output to the communication line connected to the image formation apparatus (see Table 2, and column 9, line 50-column 10, line 68).

Regarding **claim 21**, Mori discloses the apparatus discussed above in claim 13, and further teaches that the changing device is operable to change modes so that at least power consumption of the wireless communicating device is changed (see Table 2, column 9, line 50-

column 10, line 68, and column 12, line 3-column 14, line 5, wherein power consumption is inherently changed in the various modes).

Regarding *claim 23*, Mori discloses a method of controlling an image input apparatus (image reader 3, seen in Figs. 1 and 3), capable of communicating with an image formation apparatus (main unit 2, seen in Figs. 1 and 2) by a wireless method (column 2, lines 1-26) having a plurality of communication modes (see Tables 1 and 2, in columns 8 and 9), the method comprising the steps of detecting a predetermined operation by a user for instructing the image formation apparatus to perform a predetermined process on an image input by the image input apparatus (via operation section 25 or 40, column 8, line 8-column 10, line 42), changing a mode of the wireless method in accordance with a detection in the predetermined operation (see Figs 6-11, column 10, line 43-column 13, line 29) and transmitting the image input by the image input apparatus in the changed mode to the image formation apparatus (column 10, line 43-column 11, line 49, and column 12, lines 3-22).

Regarding *claim 24*, Mori discloses a storage medium (see Fig. 3, ROM 32) storing a computer program for controlling a processor to carry out a method of claim 23 (column 8, lines 17-28).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 11 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori *et al.* (U.S. Patent Number 5,418,630) in view of Nevo *et al.* (U.S. Patent Number 6,600,726, cited in the Office action dated 11/29/04).

Regarding **claims 11 and 22**, Mori discloses the system and apparatus discussed above in claims 1 and 13, respectively, but fails to expressly disclose if the wireless communicating device is operable to perform communication based on the Bluetooth specification.

Nevo discloses a communication system (see Fig. 1) having an image input apparatus and an image formation apparatus communicating with the image input apparatus (column 3, line 28-column 4, line 55), comprising wireless communication device which communicates between the image formation apparatus and the input image apparatus via a wireless line (column 4, lines 36-55). Further, Nevo teaches that the wireless communicating device is operable to perform communication based on the Bluetooth specification (column 4, lines 36-55).

Mori & Nevo are combinable because they are from the same field of endeavor, being systems that perform a wireless communication between a scanner and a host computer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include Nevo's teachings of communicating using the Bluetooth specification within the system of Mori. The suggestion/motivation for doing so would have been that Mori's system would

conform with well-known standards, as recognized by Nevo in column 4, lines 36-55, thus being usable to more users. Therefore, it would have been obvious to combine the teachings of Nevo with the system of Mori to obtain the invention as specified in claims 11 and 22.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Primary Examiner  
Art Unit 2622

jrp

